

**UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION**

Respondent.

STIPULATION OF PARTIES  
TO DISMISS ACTION AND  
~~[PROPOSED]~~ ORDER

4. The administrative summons described above should be quashed with respect to the 2002 tax year.

1           5.       The administrative summons, described above, should be enforced with respect to  
2 the 2003 and 2004 tax years.

3           6.       That this action should be dismissed pursuant to Rule 41(a) of the Federal Rules  
4 of Civil Procedure.

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6 IT IS SO STIPULATED:

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8                   KEVIN RYAN  
                    United States Attorney

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10 DATED: September 27, 2006

                    /s/ Cynthia Stier  
                    CYNTHIA L. STIER  
                    Assistant United States Attorney  
                    Attorney for the United States of America

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14                   ROBERT G. BERNHOFT LAW OFFICES

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16 DATED: September 26, 2006

                    /s/ Robert E. Barnes  
                    ROBERT E. BARNES  
                    Attorney for Petitioner  
                    JOSEPH R. BANISTER

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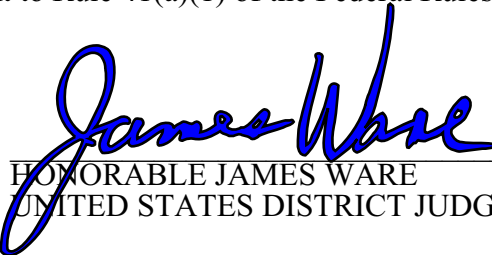
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ORDER

PURSUANT TO THE FOREGOING STIPULATION, IT IS SO ORDERED:

1. That the administrative summons issued to Alliance Credit Union on or about May 17, 2006, for documents and/or information pertaining to tax matters of petitioner with respect to the 2002, 2003 and 2004 tax years, is quashed as it pertains to 2002 tax year;
2. That the summons is enforced with respect to the 2003 and 2004 tax years.
3. That this action is dismissed pursuant to Rule 41(a)(1) of the Federal Rules of Civil Procedure.

Dated: 10/02/06

  
HONORABLE JAMES WARE  
UNITED STATES DISTRICT JUDGE